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August 20, 2004

James L. Martin
Recreation and Wildlife Resources Advisor
Department of Water Resources
Environmental Services Office
3251 S Street
Sacramento, CA 95816-7017

RE: Comments on July Final Land Use Report (L1)

Dear Mr. Martin:

Below are my comments on the above referenced report.

1.2 Description of Facilities

Page 1-8:

Marinas

The fourth sentence of Paragraph 7 of Section 1.2 provides: "Lake Oroville has two full service marinas." This statement is a mischaracterization of the present status of the Lime Saddle Marina. Lime Saddle Marina is definitely not a full service marina. The current concessionaire, Forever Resorts, operates a very minimalist facility.

There are a very small number of slips and a very small number of moorings available for public use/rental. There are no marine mechanical or other services available to boaters, no restaurant, no cocktail lounge, and the marina store only sells snacks. There are no other marine consumer items available for sale.

Typically, full service marinas offer a large array of marine services, such as mechanical services, paint/varnish, fiberglass repair, marine hardware/instrument installation and service, as well as offering a variety of marine products for sale, such as life jackets, water skis, rope/line, clothing such as foul weather gear and deck shoes, as well as marine hardware items. None of these services/marine consumer items are available at the Lime Saddle marina. Additionally, full service marinas in remote areas such as Lime Saddle typically have a restaurant and cocktail lounge, which the Lime Saddle Marina does not.

The reason for this lamentable situation is because, rather than sign a long-term agreement with this concessionaire, the State of California continues to string Lime Saddle concessionaires along on month-to-month leases. Of course, this is the reason why the present concessionaire has not invested sufficient capital in Lime Saddle Marina to provide a full service marina.

This failure by the licensee to obtain a long-term agreement with a concessionaire at Lime Saddle has continued for years. This unfortunate baseline situation, which has undoubtedly resulted in a loss of recreational revenue to local area merchants, is a significant problem, which should be discussed in L1, in addition to applicable recreation studies.

Butte County requests that **every representation in every study prepared for the Project 2100 relicensing** to the effect that Lake Oroville has two full service marinas be stricken as untrue and misleading.

Habitat Management at OWA

The first sentence of the Paragraph 8 of Section 1.2 provides: "The OWA comprises approximately 11,000 acres west of Oroville that is managed for wildlife habitat and recreational activities." This statement is a mischaracterization of the present situation within OWA, unless there is habitat management being conducted by an entity other than DFG. DFG departed from OWA in late April. There is presently no habitat management within OWA by DFG. It appears that DWR has yet to acknowledge DFG's departure in any written document prepared for the Project 2100 relicensing. The County requests that the above representation be stricken as misleading, unless there is an entity other than DFG managing OWA for habitat purposes. Both L1 and SP-L2 should discuss DFG's departure from OWA and indicate what DWR's plan of action to address this departure will be.

DFG's departure from OWA may have resulted in adverse impacts to wildlife in OWA. Whether or not it has, should be studied by DWR. This baseline condition may need to be addressed by the PDEA team, if the team is to put together an accurate, defensible environmental assessment.

Recreational Management at OWA

Recreational management of OWA has also ceased, to a large extent, as a consequence of DFG's departure. This present, baseline environmental condition, which has resulted, among other environmental impacts, in huge piles of trash accumulating in the area of the Afterbay outlet to the River, should also be acknowledged by DWR in writing. DWR's written acknowledgement of this baseline condition must be addressed by the PDEA team, if the team is to put together an accurate, defensible environmental assessment.

4.1 Study Design

Table 4.1-1 shows required tasks to meet work group objectives. Sub-task 2B provides "Address new issues that may be uncovered during the study". Butte County requests that the LUWG address the issues raised in this letter pursuant to Sub-task 2B. The second paragraph of 4.1 provides: "This interim Draft Report presents the findings from task 1. The findings for Task 2 will be reported in the Final Report." The above two sentences should probably be stricken as inappropriate for the Final Report. However, to the extent that data gathered for Task 1 has not yet been analyzed in L1, this should be done.

5.1.2.1 Butte County

Page 5-3: Paragraph 4 discusses development in the County in terms of new parcels. The fourth sentence of Paragraph 4 provides: "This pattern is reinforced by the fact that only five areas within Butte County have received three percent or more of the total number of new parcels between 1972 and 1979, with the Kelly Ridge area near Oroville accounting for 15 percent of all county-wide land divisions." The three percent county-wide figure in the above sentence is probably an error, in light of the fact that it is smaller than the 15 percent figure referring to Kelly Ridge development, which is only a subset of county-wide development.

5.1.2.1 California Department of Fish and Game (DFG)

Page 5-13-5-14: The third and fourth sentences of the paragraph, which discusses DFG, provide: "In terms of management, this agency plays a major management role in the Afterbay area (via easement) as well as the OWA. DFG implements its management plan for the OWA in coordination with DWR." These two sentences are incorrect and should be stricken as misleading, since DFG's late-April departure from both the Afterbay area and OWA. In the place of the stricken sentences, Section 5.1.2.1 should discuss DFG's departure and describe DWR's plan for dealing with it.

5.2.2.4 Oroville Wildlife Area (OWA)

The paragraph makes the assertion that OWA is under DFG management and administration. As discussed above, this is presently untrue, so the assertion should be deleted as misleading and replaced by a discussion of DFG's departure and a description of DWR's plan for dealing with it.

5.3.2.3 Thermalito Afterbay

The paragraph asserts that the Afterbay is classified as a conservation area because of DFG's management of it, as part of OWA. As discussed above, this is presently untrue, so the assertion should be deleted as misleading and replaced by a discussion of DFG's departure and a description of DWR's plan for dealing with it.

Thank you very much for your consideration of my comments. If you have questions or wish to discuss them, please do not hesitate to phone or email me.

Very truly yours,

BRUCE S. ALPERT
Butte County Counsel

By _____
Robert MacKenzie,
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cc: Paul McIntosh
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